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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/712,439	11/13/2003	J. Conrad Vogel	5658-979	8715

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EXAMINER

FLORES SANCHEZ, OMAR

ART UNIT	PAPER NUMBER
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3724

DATE MAILED: 04/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/712,439

Applicant(s)

VOGEL, J. CONRAD

Examiner

Omar Flores-Sánchez

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-38 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2/20/04 and 9/21/04</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-6, 8-9, 13-21 and 30-38 are rejected under 35 U.S.C. 102(b) as being anticipated by Sorensen et al. (5,197,194).

- Regarding claims 1, 4, 14,15,17-19, 21 and 33-38, Sorensen et al. discloses the invention including first and second cooperating members 12 and 14, a jaw section 20 and 22, a handle 16 and 18, first and second blades comprising cutting edges 58 and 62; and third and forth edges (see Fig.2).
- Regarding claim 2, Sorensen et al. teaches pockets 32. Regarding claim 3, Sorensen et al. teaches flanges 36.
- Regarding claim 5, Sorensen et al. teaches a tang 56.
- Regarding claims 8-9, Sorensen et al. teaches tang apertures 46 and 74.
- Regarding claim 13, Sorensen et al. teaches the jaw sections are set at angle to the handle sections (see Fig. 5).
- Regarding claims 16 and 20, Sorensen et al. teaches a bolt 25, a hexagonal nut 26 and an aperture (see Fig.2).
- Regarding claims 30 and 32, Sorensen et al. teaches removable blades comprising two

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edges 160' and 162' counterposed.

- Regarding claim 31, Sorensen et al. teaches a manually actuated tool (see Fig. 1).

3. Claims 26-29 are rejected under 35 U.S.C. 102(b) as being anticipated by Sorensen et al. (5,197,194).

Sorensen et al. discloses the method of modifying a cutting tool comprising the step of: providing a pivotal member with first and second cooperating members 12 and 14; separating the cooperating members (see Fig. 1-2A); rotating the first blade 180 degrees (col.7, lines 45-46); and reconnecting the cooperating members (see Fig. 1).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sorensen et al. in view of Huang (6,598,300 B2).

Sorensen et al. discloses the invention substantially as claimed except for an outward-facing hexagonal recess. However, Huang teaches the use of an outward-facing hexagonal recess for the purpose of preventing the pivot and the nut from becoming loosened. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Sorensen's tang by providing the outward-facing hexagonal recess as taught by

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Huang in order to prevents the pivot and the nut from becoming loosened.

6. Claims 10-12, 22-24 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sorensen et al. in view of Sakuma et al. (5,086,563).

- Regarding claim 11, Sorensen et al. discloses the invention substantially as claimed including hand-operated tool.
- Regarding claims 12 and 25, Sorensen et al. teaches at least two finger loops (see Fig. 3A, the loops formed between the lines 60 and 68; and the lines 64 and 66).
- Regarding claims 23-24, Sorensen et al. teaches tang apertures 46 and 74.
- Regarding claims 10 and 22, Sorensen et al. does not show a tab. However, Sakuma et al. teaches the use of a tab 17 for the purpose of preventing the tang from slipping out in a direction transverse to the longitudinal direction of the groove. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Sorensen's tang by providing the tab as taught by Sakuma et al. in order to prevents the tang from slipping out in a direction transverse to the longitudinal direction of the groove.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Omar Flores-Sánchez whose telephone number is 571-272-4507. The examiner can normally be reached on 8:00-5:00.

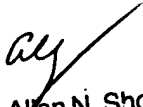
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan Shoap can be reached on 571-272-4514. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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April 4, 2005


Allan N. Shoap
Supervisory Patent Examiner
Group 3700